

Amendment No. 1 to SB1274

Southerland
Signature of Sponsor

AMEND Senate Bill No. 1274*

House Bill No. 1215

By deleting the entire preamble and by deleting all of the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 221, Part 7, is amended by adding the following as a new section:

(a) As used in this section, "operator, "water supply system", and "water treatment plant" shall have the same meanings as such terms are defined in § 61-221-903.

(b) Every operator of a water treatment plant shall measure and record the amount of fluoride in its treated water at each interval that the operator tests its treated water for biological contaminants. Each operator shall report to the department of environment and conservation its measurements and recordings of the amount of fluoride in its treated water along with a daily record of the amount of fluoride that the operator added to its treated water and the volume of water treated.

(c) No person, firm or corporation operating a water supply system shall add fluoride to treated water if the total amount of fluoride in the treated water, including naturally occurring fluoride and added fluoride, exceeds seven tenths of a milligram per liter (0.7 mg/l).

(d)

(1) The amount of naturally occurring fluoride in treated water that is provided to consumers by any operator of a water supply system shall

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not exceed the maximum contaminant level goal for fluoride that is established by the United States environmental protection agency.

(2)

(A) Any person, firm or corporation operating a water supply system that provides treated water to consumers, which contains any fluoride, shall provide the following caution notice, printed in a type not less than twelve (12) point font, on the bottom of the first page of all of its written communications with consumers:

CAUTION! The water provided by this utility contains added fluoride or naturally occurring fluoride. The Center for Disease Control states that children aged birth through eight (8) years are at risk of developing dental fluorosis by consuming fluoride during the time when teeth are forming under their gums. Parents should consult the Center for Disease Control guidelines for more information concerning protecting developing teeth.

(B) In addition to the caution notice text required by subdivision (2)(A), the board shall promulgate a rule that requires the inclusion in the caution notice of the then current uniform resource locator (URL), or other Internet address, where the

public can access the center for disease control's guidelines concerning fluoride and protecting developing teeth.

(3)

(A) If the level of naturally occurring fluoride in water that is treated by any water supply system meets or exceeds the national secondary drinking water regulations established by the United States environmental protection agency, the person, firm or corporation operating such water supply system shall provide the following warning notice, printed in a type not less than twelve (12) point font, on the bottom of the first page of all of its written communications with consumers:

WARNING! The level of naturally occurring fluoride in the water provided by this utility exceeds the E.P.A.

recommended guideline for naturally occurring fluoride.

Children eight (8) years of age or younger should be provided with alternative sources of drinking water.

(B) In addition to the warning notice text required by subdivision (3)(A), the board shall promulgate a rule that requires the inclusion in the warning notice of the then current United States environmental protection agency's recommended guideline for the maximum amount of naturally occurring fluoride in treated drinking water.

SECTION 2. Tennessee Code Annotated, Section 68-221-713, is amended by deleting the word "Any" at the beginning of the sentence in subdivision (a)(1), substituting instead the language "Except as provided in subsection (i), any", and adding the following as a new subsection (i):

(i)

(A) The amount of any civil penalty assessed for a violation of Section 1(c) of this act shall be one thousand dollars (\$1,000) per occurrence.

(B) The amount of any civil penalty assessed for a not requiring a notice required by Section 1(d)(2) or (3) of this act shall be two hundred dollars (\$200) per occurrence, for each customer that is not provided with the required notice.

SECTION 3. This act shall take effect upon becoming a law for purposes of promulgating rules, and on July 1, 2014 for all other purposes, the public welfare requiring it.